89-1301

No.

Supreme Court, U.S.
FILED
FEB 9 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

Supreme Court of the United States

OCTOBER TERM, 1989

MARSHALL P. SAFIR,

Petitioner,

V.

UNITED STATES LINES INC., UNITED STATES LINES S.A., LYKES BROS. STEAMSHIP CO. INC., AMERICAN PRESIDENT LINES LTD., FARRELL LINES INC., AMERICAN EXPORT LINES INC., PRUDENTIAL LINES INC., PRUDENTIAL-GRACE LINES INC.,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

SUPPLEMENTAL APPENDIX

MARSHALL P. SAFIR, *Pro Se*
271 Grand Central Parkway
Floral Park, New York 11005
(718) 225-0210

February 12, 1990

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UNITED STATES COURT OF APPEALS

EASTERN DISTRICT OF NEW YORK

85 C 0864

Filed May 18, 1989

MARSHALL P. SAFIR,

Plaintiff,

—against—

UNITED STATES LINES, INC., LYKES BROS. STEAMSHIP CO., INC., MOORE MCCORMACK LINES, INC., AMERICAN PRESIDENT LINES, INC., FARRELL LINES, INC., AMERICAN EXPORT LINES, INC., PRUDENTIAL LINES, INC., PRUDENTIAL-GRACE LINES, INC.,

Defendants.

MEMORANDUM AND ORDER

MARSHALL P. SAFIR
Floral Park, New York
plaintiff *pro se*

WALTER, CONSTON & SCHURTMAN, P.C.
(William Schurtman, Esq. and Gregory F. Hauser, Esq., of counsel)
New York, New York
FOLEY, HOAG & ELIOT
(Verne W. Vance, Jr., Esq., of counsel)
Boston, Massachusetts
for defendants Farrell Lines, Inc. and American Export Lines, Inc.

KOMINERS, FORT, SCHLEFER & BOYER
(T.S.L. Perlman, Esq., and William H. Fort, Esq., of counsel)
Washington, D.C.
for defendants Lykes Bros. Steamship Co., Inc.

HAIGHT, GARDNER, POOR & HAVENS
(John W. McConnell, Jr., Esq., of counsel)
Washington, D.C.
for defendants United States Lines, Inc. and United States Lines (S.A.), Inc. (formerly Moore McCormack Lines, Inc.)

HAIGHT, GARDNER, POOR & HAVENS
(Richard G. Ashworth, Esq., of counsel)
New York, New York
for defendants Lykes Bros. Steamship Co., Inc., United States Lines, Inc. and United States Lines (S.A.), Inc. (formerly Moore McCormack Lines, Inc.)

SHEA & GARDNER
(Robert T. Basseches, Esq., and William R. Hanlon, Esq., of counsel)
Washington, D.C.
HILLS, BETTS & NASH
New York, New York
for defendants American President Lines, Ltd.

DAVID P. HOWE, ESQ.
New York, New York
for defendants Prudential Lines, Inc. and Prudential-Grace Lines, Inc.

NICKERSON, *District Judge*

Plaintiff moves to vacate, alter or amend an order of this court dated September 13, 1985 under Rule 59(e) of the Federal Rules of Civil Procedure.

In an opinion dated May 27, 1986, the Court of Appeals for the Second Circuit modified this court's September 13, 1985 order to provide that plaintiff "is prevented only from commencing additional federal court actions relating in any way to defendants' pricing practices or merchant marine subsidies during the 1965-1966 period without first obtaining leave of the district court." *Safir* v. *United States Lines, Inc.*, 792 F.2d 19, 25 (2d Cir. 1986). The court's order is modified accordingly.

Plaintiff further seeks leave to file another action against defendants' arising out of the same circumstances as the earlier suit. He has failed to show why his current claims are different from the earlier action or why they have any merit. Leave to file the action is therefore denied.

The court's order of September 13, 1985 is modified in accordance with the Court of Appeals decision of May 27, 1986. Plaintiff's motions are denied. So ordered.

Dated: Brooklyn, New York
April 25, 1989

/s/ EUGENE H. NICKERSON
Eugene H. Nickerson,
U.S.D.J.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

85 C 0864

Filed May 18, 1989

MARSHALL P. SAFIR,

Plaintiff,

—against—

UNITED STATES LINES, INC., LYKES BROS. STEAMSHIP CO., INC., MOORE MCCORMACK LINES, INC., AMERICAN PRESIDENT LINES, INC., FARRELL LINES, INC., AMERICAN EXPORT LINES, INC., PRUDENTIAL LINES, INC., PRUDENTIAL-GRACE LINES, INC.,

Defendants.

MEMORANDUM AND ORDER

MARSHALL P. SAFIR
Floral Park, New York
plaintiff *pro se*

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(Verne W. Vance, Jr., Esq., of counsel)
Boston, Massachusetts
for defendants Farrell Lines, Inc. and American Export Lines, Inc.

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New York, New York
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DAVID P. HOWE, ESQ.
New York, New York
for defendants Prudential Lines, Inc. and Prudential-Grace Lines, Inc.

NICKERSON, *District Judge*

Plaintiff moves to vacate, alter or amend an order of this court dated April 25, 1989 under Rule 59(e) of the Federal Rules of Civil Procedure.

In an opinion dated April 25, 1989 the court modified an earlier order to provide that plaintiff "is prevented only from commencing additional federal court actions relating in any way to defendants' pricing practices or merchant marine subsidies during the 1965-1966 period without first obtaining leave of the district court."

The court then denied plaintiff leave to file another action against defendants arising out of the same circumstances as the earlier suit.

Plaintiff has still failed to show why his current claims are different from the earlier action or why they have any merit.

Plaintiff's motion is denied. So ordered.

Dated: Brooklyn, New York
May 12, 1989

/s/ EUGENE H. NICKERSON
Eugene H. Nickerson,
U.S.D.J.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

85 C 0864

Filed May 18, 1989

MARSHALL P. SAFIR,

Plaintiff,

—against--

UNITED STATES LINES, INC., LYKES BROS. STEAMSHIP CO., INC., MOORE MCCORMACK LINES, INC., AMERICAN PRESIDENT LINES, INC., FARRELL LINES, INC., AMERICAN EXPORT LINES, INC., PRUDENTIAL LINES, INC., PRUDENTIAL-GRACE LINES, INC.,

Defendants.

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New York, New York
for defendants American President Lines, Ltd.

DAVID P. HOWE, ESQ.
New York, New York
for defendants Prudential Lines, Inc. and Prudential-Grace Lines, Inc.

NICKERSON, *District Judge*

Before the court is plaintiff's application seeking leave to file a motion to intervene in a proceeding before the Bankruptcy Court for the Southern District of New York.

Plaintiff's application is denied. So ordered.

Dated: Brooklyn, New York
May 12, 1989

/s/ EUGENE H. NICKERSON
Eugene H. Nickerson,
U.S.D.J.